

Q. How can I get disciplinary information about health care professionals?

A. Disciplinary records of any licensed or registered health care provider are public information. Use any method described below.

! WEB SITE: Contact BHSer at:
<http://www.michigan.gov/healthlicense>

Click on “Disciplinary Action Reports” on the BHSer home page. This contains the current year plus three prior years.

! LOCAL PUBLIC LIBRARIES:

Ask your local public library for a copy of the annual Disciplinary Action Report of the Bureau of Health Services, Michigan Department of Consumer & Industry Services. Libraries may also have a public computer which can be used to search the BHSer web site (see above).

! TELEPHONE: (517) 241-9427

Give the name and type of license to the person answering the phone.

! WRITTEN REQUEST:

Write to:
**Consumer & Industry Services
Bureau of Health Services
P.O. Box 30670
Lansing, Michigan 48909-8170**

Include your name and address; the name of the health care professional; and the type of license or registration.

A Citizen’s Guide To Filing an Allegation Against a Health Care Professional

Bureau of Health Services Michigan Department of Consumer & Industry Services



“Serving Michigan...Serving You”

*Michigan’s primary
licensing and regulatory department
-- an equal opportunity employer –*

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The Bureau of Health Services, a part of the Michigan Department of Consumer & Industry Services, has prepared this *Citizen’s Guide* for you. It answers the most frequently-asked questions about filing a **consumer allegation** against a licensed or registered health care professional.

The back of this *Citizen’s Guide* includes information on how to check the disciplinary record of a licensed or registered health care provider in Michigan.

We at the Bureau of Health Services hope you find this information useful.

Q. What health care professions are regulated by BHSer?

A. The Bureau of Health Services (BHSer) regulates these health care professions in Michigan:

- Chiropractic
- Counseling
- Dentistry
- Emergency Medical Services Personnel
- Marriage and Family Therapy
- Medicine
- Nurse Aides
- Nursing
- Occupational Therapy
- Optometry
- Osteopathic Medicine
- Pharmacy
- Physical Therapy
- Physician’s Assistants
- Podiatry
- Psychology
- Social Workers
- Sanitarian
- Veterinary Medicine

NOTE: *BHSer authority is limited to granting licenses or registrations for these professions and taking disciplinary actions against the licenses or registrations. This authority does not include fee disputes or personal conflicts between patients and their health care providers.*

Q. How do I file a consumer complaint?

A. BHSer distinguishes between Allegations filed by consumers and formal Complaints filed by the State.

An **Allegation** is a type of consumer complaint filed with BHSer. The consumer “alleges” that a violation of the Public Health Code occurred. Typical allegations are for the quality of care received, conduct of the licensee or registrant, or a scope-of- practice issue.

An administrative **Complaint** is filed by the State against the licensee or registrant. It contains the formal charges against the licensee or registrant.

An **Allegation** is the first step in a possible disciplinary action against the licensee or registrant. A **Complaint** is filed when the State believes it has enough evidence to proceed with possible disciplinary action.

Q. Can I file an Allegation by phone?

A. The allegation must be in writing. For an Allegation form, call or write:

**Consumer & Industry Services
Bureau of Health Services
Complaint and Allegation Division
P.O. Box 30670
Lansing, Michigan 48909-8170**

Phone: **(517) 373-9196**

The form is also available on the BHSer web site (see back page).

Q. What information is required?

A. The person filing the allegation must include:

- the **name** and **profession** of the licensee or registrant;
- a **description** of the alleged problem or incident, including dates and locations;
- as many **details and records** as possible to support your charge. Examples include medical records, hospital bills, or insurance claims; and
- **names** and **addresses** or **phone numbers** for anyone who can provide supporting information.

The name of the person filing the Allegation will be kept confidential unless he or she is required to testify at a hearing (*see step 5*).

Q. What happens after an allegation is filed?

A. BHSer starts a process which could result in a disciplinary action against the licensee or registrant.

The steps in this process are described below. If the case is closed at any step in this process, BHSer will notify you.

The allegation is reviewed

BHSer reviews your allegation. This is to determine if there may be a violation of the Public Health Code. Based on the nature of the case and the review, the Bureau of Health Services may:

- (1) authorize the allegation for investigation, or
 - (2) close the allegation with no further action.
- If the allegation involves possible impairment due to substance abuse or mental disorders, BHSer usually refers the case to the Health Professional Recovery Program (HPRP). This program is designed to protect the public while helping the health care provider to recover.

The allegation is investigated

If an investigation is authorized, trained investigation staff generally:

- interviews the person filing the allegation;
- interviews the licensed or registered health care professional;
- identifies and interviews other persons who may be able to provide additional information, such as coworkers or employers; and
- collects any other evidence which is needed for the case. If the evidence does not suggest that a violation has occurred, the case will be closed.

An administrative complaint is filed

If the evidence suggests a violation of the Public Health Code, BHSer will file a formal administrative Complaint. The Complaint lists the charges against the licensee or registrant.

NOTE: If BHSer believes there could be an immediate risk to the public, it may issue a Summary Suspension of the license until a hearing is held (*step 5 below*).

A settlement conference may be held

Based on the evidence gathered and the nature of the case, BHSer may try to reach a settlement with the licensee/registrant. This is similar to a plea bargain in a court case.

Proposed settlements may include an agreement regarding fines, suspensions from practice, or other alternatives, such as additional education.

Proposed settlements must have the agreement of both BHSer and the licensee/registrant. The proposed settlement is then reviewed by the disciplinary subcommittee (DSC) of the appropriate licensing board.

If a settlement is not reached -- or if the DSC does not approve the proposed settlement -- the case goes to a hearing.

An administrative hearing is conducted

An administrative hearing is like a court proceeding. It is held to determine the facts of the case and the laws and rules which should be applied to the case. Witnesses may be called and questions can be asked.

An administrative law judge presides at the hearing. An assistant Attorney General represents the interests of the State. The licensee or registrant answering the Complaint may also have an attorney.

The person who filed the allegation and other witnesses may be called upon by the administrative law judge or the attorneys to answer questions about the facts of the case. As in a court case, the evidence and testimony are very important.

After the hearing, the administrative law judge writes a report which is sent to the DSC for review and a final decision. The report includes a summary of the testimony and evidence, the findings of fact, conclusions of law, and a proposal for decision.

Disciplinary subcommittee takes action

The DSC of the licensing board has five members. A public member of the board chairs the meetings. The DSC reviews the records, recommendations, and makes a decision on the case.

The DSC may take one or more of the following actions on behalf of the licensing board:

- impose a monetary fine
- require a period of probation
- issue a professional reprimand
- restrict the licensee’s/registrant’s practice
- issue a condition for continued licensing, such as additional education, community service, etc.
- suspend or revoke the person’s license to practice in Michigan
- dismiss the complaint against the licensee.

BHSer implements the decisions of the DSC and monitors compliance with decisions as needed.

Q. Is this decision final?

A. This is the final step in the State’s process. However, health care professionals may appeal these decisions to the Michigan Court of Appeals.